

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Misuse of Internet Protocol (IP))	CG Docket No. 13-24
Captioned Telephone Service)	
)	
Telecommunications Relay Services)	CG Docket No. 03-123
and Speech-to-Speech Services)	
for Individuals with Hearing)	
and Speech Disabilities)	

**COMMENT BY THE NATIONAL ASSOCIATION FOR STATE RELAY
ADMINISTRATION**

I. Introduction

On June 8, 2018, the Federal Communications Commission (“FCC” or “Commission”) released a Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry regarding Internet Protocol Captioned Telephone Service (“IP CTS”).¹ The National Association for State Relay Administration (“NASRA”) submits these comments in response to the Further Notice of Proposed Rulemaking (“FNPRM”) regarding IP CTS. NASRA also provides commentary on several topics brought forward in the Report and Order and Declaratory Ruling, including issues around misuse and abuse of IP CTS services and Automatic Speech Recognition (“ASR”).

NASRA functions as a clearinghouse for state Telecommunications Relay Services (“TRS”) administrator topics, issues, standards, and policy statements by; educating members about regulatory standards and advocating for regulatory changes that promote improved quality and efficiency of TRS, sharing information and developing ideal standards for TRS administration, sharing cost-effective ideas and techniques, restraining or reducing the cost of TRS, and actively examining and advancing discussion about issues pertaining to TRS.

¹ *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry (June 8, 2018) (cited herein as *2018 IP CTS Reform Order*).

NASRA has concerns regarding some of the proposals in the FNPRM including the lack of data and information available to state TRS administrators. The FCC simply hasn't provided the data necessary for state TRS administrators to evaluate the program changes suggested in the FNPRM. These concerns are specific to restructuring the funding of IP CTS and state administration of the program, including independent assessments. NASRA encourages the FCC to continue to rely on the expertise of state TRS programs and NASRA to determine appropriate remedies to the concerns identified.

II. Measures To Limit Unnecessary IP CTS Use and Waste of the TRS Fund

NASRA recognizes that IP CTS is a critical form of telecommunications relay services that enables individuals with hearing loss to communicate over the phone. While this service is essential for individuals with hearing loss who otherwise would struggle to use a traditional telephone, the uncontrolled growth that has occurred from waste and abuse² of the service is a serious issue that the FCC has identified.

NASRA applauds the FCC's efforts to reduce this uncontrolled growth in the Report and Order of the 2018 IP CTS Reform Order. Similar to the 2013 IP CTS FNPRM comments filed by NASRA³, we support the ruling in the 2018 Report and Order that prohibits IP CTS providers from linking volume control and captioning functions to avoid captioning of a call when only increased volume is needed. Additionally, NASRA supports the requirements that will now educate potential IP CTS users on the costs of the service and use of live operators. The FCC should continue to work closely with NASRA and state TRS programs addressing these issues to resolve the uncontrolled growth, waste, and abuse at the federal level.

III. Automatic Speech Recognition

While NASRA supports new technologies that can improve the IP CTS consumer's experience, we are in agreement with comments filed by Consumer Groups and the Deaf and Hard of Hearing Technology Rehabilitation Engineering Research Center ("DHH-RERC")⁴ in response to Sprint's filings on the Declaratory Ruling. The Declaratory Ruling is premature in allowing ASR based IP CTS services without first developing standards and metrics for the provision of IP CTS. In 2013, NASRA stressed that minimum service standards specific to IP CTS, including speed and accuracy, should be established by the FCC⁵. NASRA continues to support that recommendation and should be applicable to IP CTS services that are provided through the ASR technology.

² 2018 IP CTS Reform Order at paras. 7-11.

³ See NASRA comments, CG Docket Nos. 13-24, at 3 (filed 11/13/2013).

⁴ See Consumer Groups and DHH-RERC, CG Docket Nos. 13-24 and 03-123

⁵ See NASRA comments, CG Docket Nos. 13-24, at 2 (filed 11/13/2013).

IV. Restructuring the Funding of IP CTS

While NASRA understands the FCC's concerns regarding funding IP CTS, it is opposed at this time to expand the IP CTS contribution base to include annual intrastate revenues without first addressing the jurisdictional nature of IP CTS traffic. NASRA recognizes that with the growth of IP CTS minutes and provider costs the FCC has a valid concern about the sustainability of the TRS fund to fund IP CTS. NASRA understands that funding IP CTS from interstate revenues was always intended to be an interim solution, with the FCC arriving at a permanent solution through the application of jurisdictional separations. However, this proposed solution to include intrastate revenues does nothing to address jurisdictional separations or the legal basis to access intrastate revenues for a service provided over the internet which has been declared an information service. The FCC should first address how an information service could be funded by way of intrastate revenues that are not under the jurisdiction of the FCC. The FCC should continue to address the waste and abuse of the service that has unnecessarily caused a strain on the TRS fund. NASRA agrees with the comments filed by the Colorado Public Utilities Commission ("COPUC")⁶ on the 2018 IP CTS Reform Order that emphasizes that the FCC should prioritize curbing the waste and abuse of IP CTS before shifting its focus to state administration or altering the contribution base to fund IP CTS using intrastate revenues.

V. State Role in Administration of IP CTS

The Commission also sought comment on whether states could or should administer IP CTS.⁷ As stated by NASRA in the 2013 IP CTS FNPRM, it is imperative that states have access to clear and accurate historical data in order to understand the magnitude of the costs that would be assigned to the states before any dialogue regarding states assuming IP CTS authority or funding can begin⁸. Similar to NASRA, other states previously stressed that meaningful comments are not possible until they receive state-specific data and information necessary to determine what state-level administration could possibly look like.⁹ States currently lack specific data on providers' costs, minute-usage, and user enrollment in their respective area. Additionally, questions remain on whether certification of IP CTS providers would be a responsibility of the states, if states would have multiple providers, and whether statutory changes

⁶ See COPUC Comments, CG Docket Nos. 13-24 and 03-123 at 3 (filed 9/6/2018)

⁷ 2018 IP CTS Reform Order at paras. 111-116.

⁸ See NASRA comments, CG Docket Nos. 13-24, at 2 (filed 11/13/2013).

⁹ This issue has been raised by multiple states previously. See Nebraska Comments, CG Docket Nos. 13-24 and 03-123, at 2 (filed Nov. 1, 2013); Florida Comments, CG Docket Nos. 13-24 and 03-123, at 3-4 (filed Sept. 27, 2013); California Comments, CG Docket Nos. 13-24 and 03-123, at 2 (filed Nov. 4, 2013); Texas Comments, CG Docket Nos. 13-24 and 03-123, at 2 (filed Mar. 11, 2014); Missouri Reply Comments, CG Docket Nos. 13-24 and 03-123, at 4-5 (filed Nov. 14, 2013); NARUC Comments, CG Docket Nos. 13-24 and 03-123, at 6-7 (filed Nov. 4, 2013).

would need to be implemented for individual states in order to assume IP CTS authority. Until states receive this information, NASRA cannot collectively provide a comment to whether states could or should administer IP CTS. NASRA encourages the FCC to continue working with states to determine whether state administration is appropriate or feasible.

The FCC has also requested states indicate their position on whether IP CTS issues such as user eligibility, uncontrolled growth, and standards of service should be resolved at the federal level, prior to a potential transfer to state administration. NASRA's collective position as state TRS administrators is that these issues listed should first be resolved by the FCC before a potential transfer to states could happen. If these issues were not resolved at the federal level first, states would inherit IP CTS programs with unnecessary growth that lack standards of services. Further, IP CTS consumers expect that the service will operate consistently nationwide, and this expectation must be met through IP CTS standards of service.

VI. Independent Assessment

NASRA encourages the FCC to work closely with the Telecommunications Equipment Distribution Program Association ("TEDPA"), and their respective state members, to determine appropriate independent assessment processes. NASRA recognizes the key role that Equipment Distribution Programs can play in reducing misuse and abuse of IP CTS service and ensuring that those who use IP CTS services are individuals who would not otherwise benefit from alternative technologies such as amplification equipment.

VII. Conclusion

NASRA appreciates the FCC's efforts towards improving IP CTS. It is an essential service for many consumers with hearing loss and crucial that there be sufficient funding and appropriate administration of IP CTS. As previously stated, the FCC must address the misuse of IP CTS on a federal level to avoid unnecessary expansion of the TRS fund and work closely with states to ensure they have state specific data and information necessary to determine when and if states could assume authority of IP CTS. NASRA encourages the Commission to continue engaging with NASRA and states throughout this process to ensure that the IP CTS program meets the needs of the consumers who require it and is void of misuse and abuse.

Respectfully Submitted,

NASRA Board of Directors